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COMMENTARIES ON THE LAW OF MASTER AND SERVANT, Including the Modern Laws on Workmen's Compensation, Arbitration, Employers' Liability, etc. By C. B. Labatt. Rochester: The Lawyers' Co-operative Publishing Company. 1913. 8 volumes. pp. lvi, xxxii, xxi, xix, xxvii, xxviii, xv, xxv, 10,090.

It is impracticable to give the topics of the one hundred and twenty-four chapters into which this work is divided. The general scope is sufficiently indicated by sub-titles appearing upon the backs of the volumes, *viz.*: Relation and contract, wages, hours of labor, employers' liability, statutes and contracts, compensation acts, blacklisting, rights in products of service, apprentices, master's liability for servant's torts, enticement, interference with service, labor unions, strikes, boycotts, arbitration, union labels, constitutionality of enactments. The scope is obviously wide; but the preface conscientiously points out that "except in so far as they illustrate general principles, the cases which are concerned with the hiring of seamen and of persons in public employments have not been reviewed in this treatise."

The text and notes cover more than ten thousand pages. It would be wholly unjust to infer that the vastness of the work has been brought to pass by excessively large type, unnecessarily wide margins, or other dishonest devices. No; this is in all respects an honest enterprise. The size of the work is due partly to the number of topics treated in the text, and partly — indeed principally — to the exhaustiveness of the annotation.

As the notes are the peculiarly conspicuous feature, and perhaps the one for which the practitioner will be chiefly grateful, they deserve attention first. They are planned to collect all the pertinent cases, and to present most of them in such a way as to enable the reader to determine their value for his immediate needs, the facts being frequently stated and an extract from the opinion being usually reprinted. The careful brief-maker, it is true, will continue to search the digests and to read many cases in full; but unquestionably such annotation as is found in these volumes will encourage many to reduce that old-fashioned thoroughness of research to a minimum. It is certainly no fault of this treatise that it has been so well planned and executed as to tempt the reader to neglect part of his own professional duty.

It only remains to add as to the footnotes that they give the dates of the cases and appear to have grown up in the process of preparing annotations for the well-known series entitled "Lawyers' Reports Annotated."

The work fully deserves to be designated by its chosen title of commentaries. The text is indeed an original and thoughtful exposition of legal doctrine, based upon the cases cited in the footnotes. The preface says that "a commentator should show not merely what the courts have decided concerning certain states of fact, but also the principles to which their decisions have been referred and the reasoning upon which their conclusions have been based," and that "there is only one method by which this object can be attained — that is to say, by keeping the reader constantly in touch with the actual language which they have used." The reader, however, is happily disappointed. The opinions of the judges are severely restricted to the footnotes, and the text is almost wholly free from quotations. Thus the work does not dodge behind the words of judges or of text-writers, but with honest industry re-states the law, discusses its reasons and points out distinctions.

Almost everywhere the discussion is enlightened and enlightening. This will be no surprise to readers of the preliminary edition, — the two stout volumes which appeared in 1904 and which may be found, in a revised form, in the fourth and fifth volumes of the present still larger work. In that earlier edition a frank attack was made on the fellow-servant rule, several years before workmen's compensation acts began to sweep over the United States and to demon-

strate that the fellow-servant rule has not as many friends as has been imagined.

The most interesting part of the present edition is probably the sixth volume, which deals principally with the master's liability for the servant's torts. It is here that the careful and original — though not improperly original — analysis which is an attractive feature of the greater part of the work is found at its best.

Unfortunately, but naturally, the first volume does not give an adequate conception of the quality characteristic of almost the whole of the work. The difficulty is that the work almost necessarily begins with some topics which have not yet received adequate attention and which, partly because they are not of the greatest practical importance, still are befogged by repetition of customary phrases. Thus, this work begins with "relation and contract," but does not explain with clearness to what extent the relation necessarily involves a contract or is independent of a contract and even of contractual capacity; and this matter is not wholly cleared up when the topic is later (Chapter IV) treated in greater detail. Indeed, compliance with the profession's habit of calling the relation of master and servant a contract causes awkward language here and there throughout the whole work. Thus (p. 6842) it is said that "a complainant who seeks to recover on the ground of a parent's vicarious liability must allege facts sufficient to show that a contract of employment existed between the defendant and the child in question." Again, although near the beginning of the work the test of the existence of the relation is more than once (pp. 9, 230) said to reside in the right to have control, it is in another place (p. 10) said to reside in the exercise of such control — although the actual exercise of control is clearly a very different matter from the mere right to exercise it. Still again, the distinction, if any, between servants and agents is left obscure (Chapter III).

However, as has been indicated, these matters, though interesting to persons of a scientific turn, are of slight practical importance. Perhaps it is somewhat better worth while to notice that in one of the most valuable parts of the work (Chapters LXI-LXIV) the discussion of the fellow-servant rule and the judicial limitations placed upon it, to which allusion has already been made, this edition, like its predecessor, makes the rather confusing attempt to apply the familiar title of vice-principal to both the moribund doctrine of superior servants and the growing doctrine as to suitable appliances and the like. The term has been so long almost monopolized for the superior servant doctrine that to give to it a new signification seems to invite inevitable and unnecessary ambiguity.

Yet why seem to emphasize points which, however well taken, do not essentially impair the practical usefulness of this vast undertaking? Here are ten thousand pages devoted honestly and intelligently to aiding the practitioner in his search for doctrine and authority; and in the domain covered the work is indispensable.

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SELECT CHARTERS OF TRADING COMPANIES, A. D. 1530-1707; being Vol. 28 of the Selden Society Publications. Edited by Cecil T. Carr. London: Bernard Quaritch. 1913. pp. cxxxvi, 322.

This interesting volume contains an excellent selection of hitherto unpublished charters, including the first charter of the Levant Company (1600); the African Company (1618); the New River Company (1619), which continued to supply London with water until it was taken by the municipality a few years ago; the York Buildings Concession (1675), chartered as a water company, but later to undertake great speculations in forfeited Scotch lands; the Fire